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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JUSTIN MARCUS ZINMAN,

12 Petitioner,

13 v.

14 JEFF MACOMBER,

15 Respondent.
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Case No. 2:23-cv-02404-TLN-JDP

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas
18 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

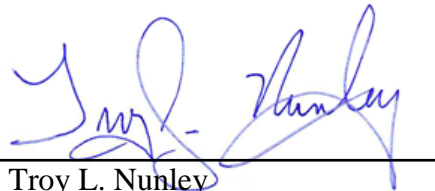
20 On June 27, 2024, the magistrate judge filed findings and recommendations herein which
21 were served on Petitioner, and which contained notice to Petitioner that any objections to the
22 findings and recommendations were to be filed within fourteen days. Petitioner has filed
23 objections to the findings and recommendations.

24 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
25 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed *de novo*.
26 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed
27 the file, the Court finds the findings and recommendations to be supported by the record and by
28 the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed on June 27, 2024 (ECF No. 16), are ADOPTED IN FULL;
2. The Court DENIES Petitioner's Motion for Summary Judgment (ECF No. 9) without prejudice;
3. The Court DECLINES to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
4. This matter is referred back to the magistrate judge for further pre-trial proceedings.

Date: August 23, 2024



Troy L. Nunley
United States District Judge